IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 8501 of 2007(K)

PETITIONER:

K.SARADA, RETIRED HEAD NURSE,
ANU BHAVAN, SAKALESWARY TEMPLE ROAD,
THANUR PANDAL, VENGUR P.O., CALICUT DISTRICT.

BY ADV. SMT.T.KAMALA MENON

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY, HEALTH DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. DIRECTOR OF HEALTH SERVICES, THIRUVANANTHAPURAM.

3. DISTRICT MEDICAL OFFICER, HEALTH SERVICES, KOZHIKODE.

4. THE SUPERINTENDENT, IMCH, KOZHIKODE.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 8501 OF 2007

Dated this the 16th March, 2007.

JUDGMENT

The petitioner retired from the post of Head Nurse on 31.5.2005. She approached this Court while in service with the complaint that her right to be promoted to the post of Nursing Superintendent Gr.II/I was overlooked by the respondents. This Court directed the Director of Health Services to look into the grievance of the petitioner and to pass orders in accordance with law. Accordingly Ext.P7 letter dated 20.1.2006 has been issued by the second respondent-Director addressed to the petitioner informing her that her juniors were promoted based on the inclusion of their names in the select list published on 9.8.2004 and since the petitioner's name was not included in that list, she was not eligible to be promoted. It is also stated that the select list was published on 9.8.2004 and the petitioner did not raise any objection though she had the right to seek review of that select list by invoking the provisions contained in Rule 28(b)(i)(8)(a) of Part II K.S & S.S.R.

2. Counsel for the petitioner submitted that the petitioner had no knowledge about the publication of the select list.

3. I am unable to accept the above contention. Select list prepared by the Departmental Promotion Committee, after approval by the Government, will be notified and published in the gazette for the information of all concerned. If the petitioner had been indulging in a legal battle without knowing that she had lost her claim on account of the non-inclusion of her name in the select list published on 9.8.2004, is but a futile exercise. At this distance of time, it will neither be proper nor just to permit the petitioner to reagitate the right she had lost in the year 2004 and that too, two years after her retirement from service. I do not find any justification to interfere with Ext.P7(a) order passed by the Director of Health Services. Writ petition fails and it is accordingly dismissed.

K.K.DENESAN
Judge

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